

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NURIDEEN ISLAM,

Plaintiff,

07 Civ. 3225(PKC)

-against-

MEMORANDUM
AND ORDER

BRIAN FISCHER, et al.,

Defendants.

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P. KEVIN CASTEL, District Judge:

On January 9, 2008, this Court granted in part a motion to dismiss filed on behalf of certain defendants represented by the Office of the New York Attorney General (“ONYAG”). The ONYAG announces on behalf of two other defendants, who were named but not served in the April 23, 2007 complaint, that “[n]either will raise lack of service of process as a defense.” (Letter of January 11, 2008.) The ONYAG now seeks to file a motion to dismiss on behalf of these two defendants which “will be similar to the [prior] motion to dismiss . . .”

The willingness to waive service of process on behalf of the two retirees, defendants Petrie and Turner, is admirable. I will assume the ONYAG has acted in good faith. Had the ONYAG reached out to the two retirees prior to filing the motion to dismiss on behalf of co-defendants, the overlapping issues would not need to be considered in a second round of motions. The present circumstance will lead to unfortunate inefficiencies.

The pre-motion conference requirement is waived. The motion is to be filed by January 22. A response by plaintiff Nurideen Islam is due February 22 and any reply by the defendants is due March 7.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
January 14, 2008